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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,874	08/09/2006	Detlev Gertitschke	23635	4464
535	7590	02/10/2009		
K.F. ROSS P.C. 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900			EXAMINER TRUONG, THANH K	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 02/10/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,874	Applicant(s) GERTITSCHKE ET AL.	
	Examiner THANH K. TRUONG	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-43 is/are pending in the application.
- 4a) Of the above claim(s) 39-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/9/06; 7/7/08 & 12/11/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's cancellation of claims 1-26 is acknowledged.
2. Applicant's election with traverse of Group I, claims 27-38, in the reply filed on December 17, 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a).

The requirement is still deemed proper and is therefore made **FINAL**.

3. Newly submitted claims 27-43 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group I, claim(s) 27-38, drawn to an apparatus for transferring objects.

Group II, claim(s) 13-26, drawn to a method for transferring objects.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the technical feature(s) of one group is (are) not required (or lacking) in the other group(s). Following are the listing of these technical feature(s):

Group II, recites the steps of: depositing the objects in bulk onto the upper stretch of the belt adjacent the other roller; and sorting each of the deposited objects into a respective one of the blisters of the upper stretch of the transfer belt. As recited, these

steps do not require any devices (technical features) that are required in Group I in order to perform the recited functions.

Furthermore, it should be noted that Group II, claim 39 includes structure limitations (as in an apparatus claim) and method steps. Therefore it is unclear whether Group II is drawn to a method or an apparatus.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 39-43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Information Disclosure Statement

4. The information disclosure statements filed: August 9, 2006; July 7, 2008 and December 11, 2008 fail to comply with 37 CFR 1.98(a)(3) because they do not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. They have been placed in the application file, but the information referred to therein has not been considered. The documents, which have not been considered, have been lined through on the IDS.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “control means” as recited in claim 35 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claims 30 and 31 are objected to because of the following informalities: There are two claims 30 and two claims 31. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 27-31, 35, 37 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Roach et al. (4,918,907).

Roach et al. discloses an apparatus comprising:

means (not number) for moving foil (14) with the blisters (16) open upward past a filling station (19);

an endless transfer belt (26) formed with blisters arrayed substantially identically to the blisters of the foil;

a pair of horizontally spaced drive rollers over which the transfer belt is spanned – it is construed that conveyor belt (26) including drive rollers as each end of the conveyor.

supply means (31, 51, 35, 37, 43, 145) for depositing and sorting each of the object into a respective one of the blister on the belt;

means (not number) for rotating the rollers and advancing the belt toward the filling station; and

a placer (32) having a multiplicity of pickers to pickup objects from the belt and deposit the picked objects simultaneously into the blisters of the foil.

Roach et al. further discloses:

Regarding claim 28, the pickers are arrayed substantially identically to the blister of the transfer belt and of the foil – Fig. 1.

Regarding claim 29, one of the rollers is a drive roller and is formed with a multiplicity of recesses arrayed substantially identically to the blister of the transfer belt and receiving the blisters of the transfer belt as the transfer belt passes around the drive roller – Fig. 1.

Regarding claims 30 and 33, the transfer belt has a plurality of laterally spaced and transversely overlapping endless parts each formed with a plurality of the blisters and each spanned over both of the rollers, whereby the drive roller with the recesses synchronizes movement of the belt parts – Fig. 1. It is construed that Roach et al. also discloses that the blisters of the transfer belt are shallower than the blisters of the foil – column 3, lines 54-56).

Regarding claims 31, 35, 37 and 38, a servomotor rotating the drive roller; a camera (45), control means (not number), the belt is formed of an elongated strip formed with blisters and nested into each other to make the belt endless; and the belt extends transversely of the foil – it is construed that in an fully automated apparatus as discloses by Roach et al., the servomotor and controller are used to synchronize the movement of the parts.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 30-32, 34 and 36 (the second claims 30 and 31 on page 4) are rejected under 35 U.S.C. 103(a) as being unpatentable over Roach et al. (4,918,907) in view of Baroncini (US 2002/0136619).

As discussed above, Roach et al. discloses the claimed invention, but it does not expressly disclose the following: a collecting tray; means for sorting includes a flow obstacle; a mobile rack on each of the devices; a swivel plate; and transfer belt includes the upper reach that is angled upward as recited in claim 36.

Regarding claim 31, Baroncini discloses an apparatus comprising a means for sorting includes a flow obstacle (100) to scrape off objects not in blisters. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Roach et al. by incorporating the sorting device as taught by Baroncini to provide an effective means to deposit objects into blisters.

Regarding claims 30, 32, 34 and 36, the examiner take official notice that it is old and well known practice in the art to include a collecting tray underneath the upper stretch of the belt; provide mobile means to module devices; a swivel plates and the transfer belt includes the upper reach that is angled upward as recited in claim 36. Therefore, it would have been obvious to one having ordinary skill in the art, at the time

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applicant's invention was made, to have modified Roach et al. apparatus so that it includes the features as recited in claims 30, 32, 34 and 36, since it is well known and within the general skill of a worker in the art to select a known design configuration on the basis of its suitability for the intended use as matter of obvious design choice.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH K. TRUONG whose telephone number is (571)272-4472. The examiner can normally be reached on Mon-Fri 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tkk
February 9, 2009.

/Thanh K Truong/
Primary Examiner, Art Unit 3721.